

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

FIREARMS REGULATORY
ACCOUNTABILITY COALITION, INC.,
STATES OF WEST VIRGINIA, NORTH
DAKOTA, *et al.*,

Plaintiffs,

v.

MERRICK B. GARLAND, *et al.*,

Defendants.

Civil Action No. 1:23-cv-00024-DLH-CRH

PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS

Pursuant to Local Rule 7.1(C), Plaintiffs—a coalition of States, businesses, and individuals—respectfully request leave of the Court to file a Reply Brief that exceeds the page limitations prescribed in Local Rule 7.1(B). Specifically, Plaintiffs intend to file their Reply Brief by March 13, 2023, and respectfully request that they be permitted to file a Reply Brief not to exceed twenty (20) pages.

Good cause supports Plaintiffs' request. On February 16, 2023, the Court granted Defendants' Unopposed Motion for Page Count Enlargement (ECF Nos. 22, 29), authorizing Defendants to file a forty-page opposition to Plaintiffs' Motion for Preliminary Injunction. On March 6, 2023, Defendants filed, in addition to their opposition brief, a declaration from William J. Ryan, Acting Chief, Firearms and Ammunition Technology Division, Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). This declaration attempts to improperly supplement the administrative record by purporting to provide additional explanation for the nearly 100-page preamble ATF published in the Federal Register and the 81 pages of summary adjudications ATF

published on its website. Granting Plaintiffs' request would permit them to present the Court with their responses to Defendants' arguments.

Respectfully submitted,

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Counsel for Plaintiffs FRAC, SB Tactical, B&T, and Richard Cicero

March 9, 2023

CERTIFICATE OF SERVICE

On March 9, 2023, I electronically filed the above paper with the Clerk of Court using the Court's electronic case filing system, and I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: March 9, 2023

Respectfully submitted,

/s/ Benjamin J. Sand
Benjamin J. Sand